

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/SA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No
PCT/US2005/016290

International filing date (day/month/year)
10.05.2005

Priority date (day/month/year)
11.05.2004

International Patent Classification (IPC) or both national classification and IPC:
H04N7/167, H04N7/16

Applicant
SCIENTIFIC-ATLANTA, INC.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 68.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/Z20 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/016290

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/016290

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 Reference is made to the following documents:

D1: US 2002/146237 A1 (SAFADI REEM) 10 October 2002 (2002-10-10)

D2: WO 2004/036892 A (SONY ELECTRONICS INC) 29 April 2004 (2004-04-29)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (while repeating the wording of claim 1, the references in parentheses apply to D1):

A network overlay system (Abstract), comprising:

a primary device for receiving downstream signals having a first encrypted scheme from a communications network (Fig 1, item 10; § [0023]), the downstream signals including a plurality of programs (§ [0023]), for selectively storing at least one program in a second encryption scheme and ... the first encryption scheme (§ [0027], [0028]), and for providing requested stored programs (Fig 2); and

a plurality of remote devices coupled to the primary device (Fig 1, items 30), each remote device for receiving the downstream signals having the first encrypted scheme (Fig 2), and for requesting and receiving a stored program (§ [0032],

wherein the requested program received by a requesting remote device is one of a ... encrypted program or a program having the second encryption scheme (§ [0027]-[0030]).

2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that D1 does not explicitly disclose a partial encryption of the provided content, but rather appears to provide the remote device with a fully encrypted version, wherein the encryption scheme used may depend on the capabilities of the remote device.

2.1.3 The problem to be solved by the present invention may therefore be regarded as:

Providing secure transmission with a minimal (bandwidth) overhead.

- 2.1.4 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

using partial or selective encryption to minimise the bandwidth used - e.g. when using several CA-schemes in parallel - or to minimise the processor overhead at the remote device - e.g. allowing for less powerful, cheaper processors at the remote device - is a well known technique. See e.g. D2 as cited in the International Search Report.

Deciding to implement partial rather than full encryption is thus a design choice, not a technical one, and is determined by the topology of the (home) network environment, the capabilities of the (home) server and the client device(s) used.

- 2.1.5 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3 DEPENDENT CLAIMS 2-9

Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT) in view of the available art as cited in the International Search Report.

- 4 Since the subject-matter of further independent claims 10, 15 corresponds to the subject matter of claim 1 combined with claim 3 (claim 10) or claim 1 in combination with claim 7 (claim 15), the same reasoning as given above applies.

Therefore claims 10, 15 also do not meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 FURTHER DEPENDENT CLAIMS 11-14, 16

Further dependent claims 11-14 and 16 also do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).